

MAR-13 2003

IN RE Application of: Furth et al.  
 Application No.: 10/037,616  
 Filed: January 2, 2002  
 For: TARGETING GENE EXPRESSION TO LIVING TISSUE USING JET INJECTION

ATTY 1600 \$  
 PATENT  
 Attorney Docket No. 219034  
 DHHS Ref. No. E-064-92/3  
 Date: March 6, 2003

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MAR 18 2003

TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS  
 Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment and Response to Office Action in the subject application.

Applicants claim small entity status of this application under 37 CFR 1.27.

Petition for Extension of Time
 

- Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00 (enclosed).
- Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

No additional claim fee is required.

Other: Amendments to the Claims Made in Response to Office Action Dated November 6, 2002; Pending Claims After Amendments Made in Response to Office Action Dated November 6, 2002; and Terminal Disclaimer Under 37 CFR 1.321(b)

The claim fee has been calculated as shown below:

						SMALL ENTITY		OTHER THAN A SMALL ENTITY	
		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDT. CLAIM FEE	RATE	ADDT. CLAIM FEE	
TOTAL	35	MINUS	66	=0	x 9=	\$	x 18=	\$0.00	
INDEPENDENT	2	MINUS	16	=0	x 42=	\$	x 84=	\$0.00	
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM						+ 140=	\$	+ 280=	\$
						TOTAL	\$	TOTAL	\$0.00

Please charge my Deposit Account No. 12-1216 in the amount of \$110.00. A duplicate copy of this sheet is attached.

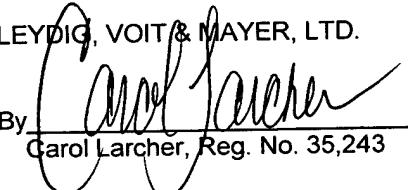
The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT &amp; MAYER, LTD.

By   
 Carol Larcher, Reg. No. 35,243

Leydig, Voit & Mayer, Ltd.  
 Two Prudential Plaza, Suite 4900  
 180 North Stetson  
 Chicago, Illinois 60601-6780  
 (312) 616-5600 (telephone)  
 (312) 616-5700 (facsimile)  
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In re Appln. of Furth et al.  
Application No. 10/037,616



CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT AND RESPONSE TO OFFICE ACTION along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date:

March 6, 2003

Kathleen M. Gantz



PATENT  
Attorney Docket No. 219034  
DHHS Reference No. E-064-92/3

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3/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Furth et al.

Application No. 10/037,616

Art Unit: 1636

Examiner: J. Ketter

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TECH CENTER 1600/2900

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LIVING TISSUE USING JET  
INJECTION

AMENDMENT AND RESPONSE TO OFFICE ACTION

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated November 6, 2002, please enter the following amendments and consider the following remarks.

AMENDMENTS

IN THE CLAIMS:

Please cancel claims 13-18 as being drawn to a non-elected invention.

Please replace the indicated claims with:

1. (Amended) A method for obtaining transient gene expression or stable gene expression in somatic cell tissue comprising: exogenously administering a plasmid expression vector to differentiated somatic cell tissue selected from the group consisting of skin, muscle, fat and mammary tissue of a living organism, using a jet injector, wherein said plasmid expression vector is expressed in the living organism.

2. (Amended) A method according to claim 1 further involving the steps of a member selected from the group consisting of (a) ablation of malignant cells, (b) ablation of cells infected with specific viruses, (c) immunization, (d) generation of chimeric organisms, (e) converting secretory cells of living organisms to produce a protein, (f) modifying the